

30.07.2021

Court No.28
Item No.36
(Rejected)

Akd
&
As

CRM 3513 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with N.D.P.S. Case No.29 of 2020 arising out of North Port P.S. Case No.60 of 2020 dated 07.08.2020 under Sections 21 (c)/29 of the N. D. P. S. Act.

And

In the matter of : **Kanai Kumar Dutta @ Kanaihya.**
...Petitioner

Mr. Mrityunjoy Chatterjee,
Md. G. N. Imrohi.

...For the Petitioner

Mr. Sanjoy Bardhan,
Ms. Baisakhi Chatterjee.

...For the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the instant application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with N.D.P.S. Case No.29 of 2020 arising out of North Port P.S. Case No.60 of 2020 dated 07.08.2020 under Sections 21(c)/29 of the N. D. P. S. Act.

The commercial quantity of contraband was recovered from the joint possession of the petitioner along with other co-accused. The petitioner is languishing in jail since 7th August, 2020. A plea has been taken that the charge sheet was not filed within the statutory period and the application for statutory bail was rejected by the trial court.

It transpires from the record that the prayer for extension of time to submit charge sheet was made before the expiration of the

initial period of limitation which was subsequently extended by the Court. Furthermore, the charge sheet was filed within the statutory period and, therefore, we do not think that the plea taken by the petitioner cannot be entertained at this stage, since there is an embargo created under Section 37 of the N. D. P. S. Act in granting bail to the petitioner, as the commercial quantity of contraband was recovered from the joint possession of the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 3513 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)